

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 6, 2008



Conditional Use Permit CU 08-12: Dennis Warren

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow a residence in a Commercial District (C-3)

LOCATION: 910 West Martin Luther King Jr. Street between Hall and North Congress Streets, occupying Lot 3 in Block 7 of the Bryan's 2nd Addition in Bryan, Brazos County, Texas

ZONING: Commercial District (C-3)

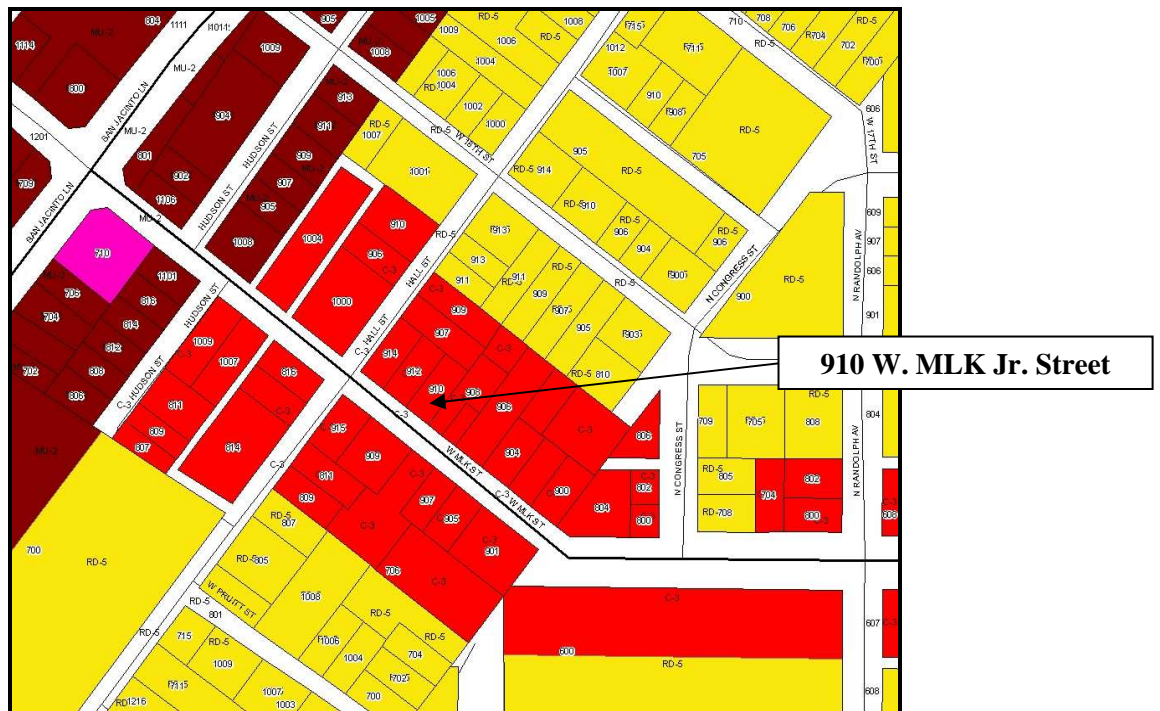
EXISTING LAND USE: vacant land

APPLICANT(S): Dennis Warren

STAFF CONTACT: Julie Fulgham, Project Planner

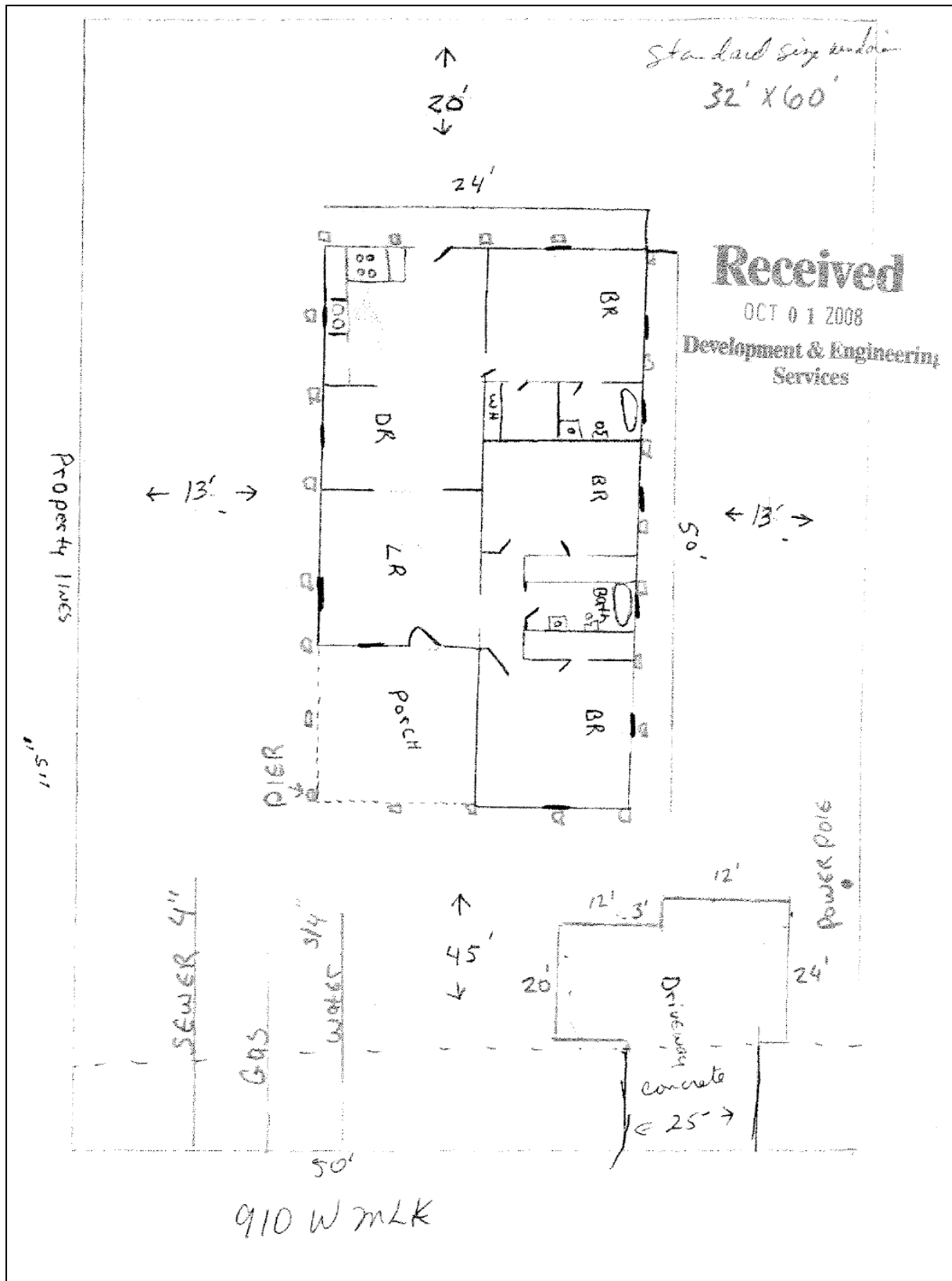
SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit.

LOCATION MAP AND AERIAL PHOTOGRAPH (2008):





SITE PLAN:



AREA PHOTOGRAPHS:



subject property



looking west from in front of subject property (predominantly south side of MLK Jr. Street)



looking west from in front of subject property (predominantly north side of MLK Jr. Street)



looking east from the intersection of MLK and Hall Streets, west of the subject property
(predominantly north side of MLK Jr. Street)



looking east from the intersection of MLK and Hall Streets, west of the subject property
(predominantly south side of MLK Jr. Street)

BACKGROUND:

The applicant, Dennis Warren, has requested a Conditional Use Permit to allow the construction and use of a single-family residence in a Commercial (C-3) zoning district on the subject property. The proposed residence is approximately 1080 square feet in size and proposed to conform to building codes applicable to single-family residences.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

5.5. Land Use Policies

Use-Specific Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre.

Redevelopment and Infill Policies

Policy statements:

- Residential redevelopment and infill shall be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design.

Land Use Goal #1:

Achieve a balance of land uses within the city.

Land Use Goal #1, Objective A:

Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

The proposed residence will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that the proposed residence on the subject property will be compatible with existing uses on abutting sites, most of which are currently in single-family residential use or vacant.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff believes that, in this particular case, a new residence at this location would not create greater unfavorable effect or impacts on abutting properties than a commercial development allowed by right on this property without Conditional Use Permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed residence at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. As the site plan shows, an extended parking area will be provided to allow vehicular maneuvering area. This maneuvering area will mitigate vehicular backing maneuvers onto West Martin Luther King Jr. Street, an arterial thoroughfare.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including a new single-family residence, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that the proposed residence at this location should not have any adverse effects on traffic control or adjacent properties.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

The proposed development will provide adequate and convenient off-street parking, as required by City ordinances and regulations. As mentioned above, extra maneuvering room is provided to mitigate any traffic concerns associated with this development. Additionally, single-family residential uses typically generate fewer trips per day than commercial uses.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The Commercial District (C-3) is intended for many general commercial uses such as retail and office establishments. However, single-family residences are potentially allowed with approval of a Conditional Use Permit to allow residential development in areas zoned for commercial purposes, but for whatever reason historically, have not developed into commercial areas. Staff contends that, in this particular case, the proposed single-family residence is more compatible with the character in this general area than many uses allowed by right within this commercial zoning district.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes the proposed development of this property with a residence will have few (if any) ill effects on properties or improvements in the vicinity. As mentioned before, most adjacent properties are currently developed with single-family homes, approving this request will generate improvement within this area while still preserving the sense of neighborhood found in this area. Robert C. Neal Elementary School is located approximately 400 feet to the southeast of this property. It is generally desirable for elementary schools to be located within single-family neighborhoods. Approving this request will increase the redevelopment of this area as a single-family neighborhood.

10. Whether the premises or structures are suitable for the proposed conditional use.

For the same reasons given above, staff believes that the subject property is suitable for development with a residence as shown on the accompanying site plan. Any structures developed on site will conform to the site plan incorporated with the Conditional Use Permit and all City regulations.

RECOMMENDATION:

Based on all these considerations, staff **recommends approving** the Conditional Use Permit, as requested. The proposed residence on the subject property conforms to land use recommendations of the Bryan Comprehensive Plan and appears to meet all the required criteria for approval of Conditional Use Permits as stipulated by the Zoning Ordinance.